

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:11-cr-00312-MMD-PAL

Plaintiff,

ORDER ACCEPTING REPORT AND
RECOMMENDATION OF MAGISTRATE
JUDGE PEGGY A. LEEN

ANIL K. MATHUR,

Defendant.

Before the Court is the Report and Recommendation of United States Magistrate Judge Peggy A. Leen (dkt. no. 105) (“Recommendation”) relating to Defendant Anil K. Mathur’s Motion to Dismiss the Indictment Based Upon Destruction of Exculpatory Evidence or Alternative Relief (dkt. no. 50). No objection to the Recommendation has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard

1 of review employed by the district court when reviewing a report and recommendation to
2 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
3 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting
4 the view that district courts are not required to review "any issue that is not the subject of
5 an objection."). Thus, if there is no objection to a magistrate judge's recommendation,
6 then the court may accept the recommendation without review. See, e.g., *Johnstone*,
7 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's
8 recommendation to which no objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
10 determine whether to adopt Magistrate Judge Leen's Recommendation. Upon reviewing
11 the Recommendation and underlying briefs, this Court finds good cause to adopt the
12 Magistrate Judge's Recommendation in full.

13 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Report and
14 Recommendation of Magistrate Judge Peggy A. Leen (dkt. no. 105) be accepted and
15 adopted in its entirety.

16 DATED THIS 22nd day of August 2012.

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UNITED STATES DISTRICT JUDGE